We seem, therefore, to have rather the *disjecta membra* of legal history than an orderly sequence of events.

It should be said, however, that this defect of the work in no way is due to lack of scholarly judgment or of careful arrangement on the part of the editors. It is hard to see how, under the plan adopted, better selections could have been made or the matter more judiciously presented. But the editors had to take what they could get, and the paucity of material available for their purpose as well as the plan and scope of the work rendered such a result inevitable. It may reasonably be expected that the succeeding volumes will display a greater degree of coherence and solidity, though they too must suffer from the dearth of historical scholarship in our Anglo-American world.

In the meantime the appearance of the distinguished names of Maitland, Pollock, Stubbs, and Holdsworth among the contributors to the first volume demonstrates that the work will offer to the law student the best that our legal scholarship has yet produced in the field of history.

But if the volume under review is not to be taken as, in all respects, a measure of the entire work, one thing at least it makes clear. It is evident that we are to have history and not the materials of historical study; a book for the reader rather than for the serious student. In his report of 1906, previously referred to, Professor Wigmore says: "In short, what is needed is a handy and inexpensive series of select essays which shall do for this part of legal study exactly what the case-book has done for the study of cases." Now, whatever may be "needed" by the student of legal history (and it is not likely that the need will soon be met), is it true that this collection of historical essays, however learned and however readable they may be — and they are both learned and readable — will do for the student in this field what his cases have done for him in his professional study of law? The analogue of the case-book is not the historical essay, which gives in agreeable and persuasive form the results of another's study, but a collection of the raw material to which the essayist himself was compelled to resort, and this raw material is nothing but the cases and statutes in which the history of the law is written. Whether it would be possible to compile and bring within a moderate compass enough material of this sort to equip the student for the study of our legal history is a question which, fortunately, we need not attempt to answer here; but let us entertain no illusions as to the real function of the "Select Essays." They will serve a sufficiently useful purpose in teaching our young men and, happily, some of those who have grown gray in the service of the law, to find delight as well as instruction in the marvelous story of our legal development. N. A.

THE AMERICAN GOVERNMENT, ORGANIZATION AND OFFICIALS, WITH THE DUTIES AND POWERS OF FEDERAL OFFICE-HOLDERS. By H. C. Gauss. New York: L. R. Hamersley and Company. 1908. pp. xxiii, 871. 8vo.

This book will prove a useful compendium for students and, as well, for men of affairs. It is not a formal treatise on government nor on administrative law, but it is a presentation in a concise manner of the essential facts pertaining to our system of government indexed so as to be easily available to all readers. After a chapter devoted to the principles of the governmental system of the United States the author takes up by chapters the President, Congress, and the Supreme Court of the United States. Then follow chapters devoted to the officers of Congress — the Vice-President and the Speaker of the House, and subordinate officials. Following these is a chapter on the officials of the executive departments, the Secretaries and Assistant Secretaries. Chapter 7 treats in detail of the judiciary and the various functions of the federal and territorial courts. To each also of the principal executive departments a chapter is devoted.

In that chapter relating to the Treasury Department some inaccuracies are noted. For example, in discussing the customs law, the author says (p. 318) that in certain cases collectors of customs may call in merchants to appraise imported goods. This is an error. The old "Merchant Appraiser" system, as it was called, was repealed by the present Customs Administrative Act of 1890. Furthermore the word "protest" is used by the author with reference to

notices of dissatisfaction, filed by importers, with the appraisal of goods by the local appraisers. The word "protest" is a technical term applying only to protests against the rate of duty as fixed by the collector; the term is not applicable to requests for reappraisement.

On page 319 the author says that an owner dissatisfied with a reappraisement of the Board of General Appraisers can have a further appeal to a board of three general appraisers. This appeal is not an appeal from the Board of Appraisers, however, but is an appeal from the decision on valuation of a single member of the Board.

The author also states that there is a further appeal on reappraisements to the Circuit Court of Appeals. This is an error. Appeals to the Circuit Court of Appeals are allowed only on questions pertaining to the rate of duty, such questions being raised by protest against the decision of the collector. From these protests there is an appeal to a board of three general appraisers and from that board to the Circuit Court of the United States. There is no appeal on reappraisements from the decision of the board of three general appraisers.

On page 426, in discussing national bank notes, the author states that these notes are legal tender. This is an error. While the notes are received at par by the United States, except for duties on imports, and while they are available for payment by the United States except for interest on the public debt and the redemption of the national currency, they are not legal tender.

The statement is also made that approved bonds other than those of the United States have been accepted and are deposited in the Treasury as a guaranty of national bank circulation by those who have the privilege of issuing national bank notes. The author here has fallen again into error. Under the law, no national bank notes can be or ever have been, issued, except on the security of United States government bonds. What the author has in mind is evidently the practice — wholly illegal, at least prior to the recent Act of 1907, although resorted to by Secretary Shaw prior to that Act — of making deposits of government money with national bank depositories, taking therefor securities other than United States government bonds.

On page 23 the author states that cabinet officers succeeding to the office of President of the United States in case of vacancies in the office of President and Vice-President, are to complete the terms in which the vacancies exist. This also seems to be an error. While under the recent act designating cabinet officers to fill the office of President provisions of the old law requiring a special election of President were abolished, yet the debates on the passage of the new law show clearly that the provision alluded to by the author that the new President must call Congress in session within twenty days, was enacted in order that Congress might then determine whether or not to order a special election or to permit the cabinet officer to serve out the term in which the vacancy occurred.

In spite of these and some other inaccuracies of statements, the book, as stated, will prove a useful work and is well worth the perusal of students of government. C. S. H.

COLONIAL LAWS AND COURTS. Edited by Alexander Wood Renton and George Grenville Phillimore. Reprinted from Burge's Commentaries on Colonial and Foreign Law. London: Sweet and Maxwell, Ltd. Boston: The Boston Book Company. 1907. pp. xxxi, 420. 8vo.

This volume is a republication of the first or introductory volume of Burge's Commentaries on Colonial and Foreign Laws, and with the exception of the introductory chapters is rather a book of reference than for the general reader.

A brief sketch of the existing system of the laws of England, Scotland, Wales and Ireland, the common and canon law, is followed by a sketch of the law of France, French customary law and the modern codes, the law of the Netherlands, Belgium, Spain, Italy and all other European countries, the United States, and the South American Republics.

The authors are evidently believers in codification; for they say that to Georgia belongs the credit of first adopting a code of substantive law in 1860. Their statement that the common law as it exists in England was never enforced in all its provisions in any state is a little misleading (p. 38). For, with the ex-